

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In Re:

AMY ELIZABETH BARNES

Debtor.

Carpenter Drive Capital, LLC

Movant

vs.

Amy Elizabeth Barnes and K. Edward
Safir, Chapter 13 Trustee

Respondents.

CASE NO.25-54949
CHAPTER 13
JUDGE: SMS

CONTESTED MATTER

NOTICE OF HEARING

PLEASE TAKE NOTICE that *Carpenter Drive Capital, LLC* has filed a *Motion for Relief from Stay* and related papers with the Court seeking an order *to have the Bankruptcy Stay lifted*.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing at **10:15AM** on **July 8, 2025** at the **United States Bankruptcy Court, Courtroom 1201, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303**, which may be attended in person or via the Court's Virtual Hearing Room. You may join the Virtual Hearing Room through the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the homepage of the Court's website, www.ganb.uscourts.gov, or the link on the judge's webpage, which can also be found on the Court's website. Please also review the "Hearing Information" tab on the judge's webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge's webpage.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleadings with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk before the hearing. The address of the Clerk's Office is Clerk, U. S. Bankruptcy Court, **United States Bankruptcy Court Clerk, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303**. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the Motion cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the Motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

This the 5th day of June, 2025.

GODWIN LAW GROUP

s/ Jason B. Godwin

Jason B. Godwin

Ga Bar No. 142226

Counsel for Movant

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**MOTION FOR RELIEF FROM AUTOMATIC STAY AND WAIVER OF FED. R.
BANK. P. 4001(a)(4) AND RELIEF PURSUANT TO 11 U.S.C. § 362(a), (d) and (e)**

COMES NOW, Vanderbilt Mortgage and Finance, Inc. (the “Movant”), by and through its undersigned counsel, and pursuant to FED. R. BANK. P. 4001 and 9014, and 11 U.S.C. § 362(d), and requests relief from the automatic stay provided by 11 U.S.C. § 362(a), and states as follows:

JURISDICTION

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334, and venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
2. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
3. The relief requested herein may be granted in accordance with the provisions of Sections 105(a) and 362 of title 11 of the United States Code (the “Bankruptcy Code”), and Rule 4001(a) of the Federal Rules of Bankruptcy Procedure.

BACKGROUND

4. On May 5, 2025, Amy Elizabeth Barnes (the “Debtor”) filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code (the “Petition Date”). The Debtor remains a debtor-in-possession.

5. Debtor was the previous owner of a piece of real property commonly known as 886 Wanda Circle, SW, Marietta, Georgia 30008 (“Home”)

6. Debtor was foreclosed May 6, 2025 as the stay was not in place given Debtor’s numerous filings in the past.

7. Movant purchased the Home at the foreclosure sale.

8. The Debtor has only a mere possessory interest in the Home at this point and the stay must be lifted to allow Movant to pursue its eviction rights under state law.

ARGUMENT AND CITATION OF AUTHORITY

9. By this Motion, the Movant requests that the Court grant it relief from the automatic stay to exercise its rights under the loan documents and state law including, without limitation, the right to: 1) confirm any foreclosure and 2) seeking an eviction against Debtor. In this case, the Movant should be granted relief from the automatic stay because: (i) the Debtor has no equity in the Property and (ii) the Debtor cannot provide the Movant with adequate protection of his interest in the Property.

10. The Movant should be granted relief from the automatic stay under Section 362(d)(2) of the Bankruptcy Code. Pursuant to Section 362(d)(2) of the Bankruptcy Code, the Court shall grant a party relief from the automatic stay with respect to a stay of an act against property if the debtor does not have any equity in such property. See 11 U.S.C. § 362(d)(2).

11. In the alternative, the Movant should be granted relief from the automatic stay under Section 361(d)(1) of the Bankruptcy Code. Pursuant to Section 361(d)(1) of the Bankruptcy Code, the Court shall grant a party relief from the automatic stay for cause, including when the Debtor cannot provide the Movant adequate protection for its property interest and the Movant is without remedy due to the bankruptcy proceeding.

Immediate Relief from the Automatic Stay is Appropriate

13. Under the foregoing described circumstances, the Movant further requests that the Court waive the fourteen day waiting period imposed by Rule 4001(a)(4) of the Federal Rules of Bankruptcy Procedure and that any order of the Court lifting the automatic stay become effective immediately.

WHEREFORE, the Movant respectfully requests that the Court enter an Order:

1. Lifting the automatic stay to allow the Movant to exercise its rights under the loan documents and state law including, without limitation, the right to confirm any foreclosure sale; and the right to evict Debtor;
2. Waiving the fourteen-day waiting period imposed by Rule 4001(a)(4) of the Federal Rules of Bankruptcy Procedure; and
3. Granting such other relief as is appropriate.

This the 5th day of June, 2025.

GODWIN LAW GROUP

/s/ Jason B. Godwin

Jason B. Godwin

Georgia Bar No.: 142226

Counsel for Movant

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Building D
Norcross, Georgia 30093
(770) 448-9925
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CERTIFICATE OF SERVICE

I certify that the foregoing Assignment of Hearing and Motion for Relief from Stay was served upon the following listed parties and/or counsel by either electronic transmission, first-class United States mail, postage pre-paid or by hand delivery on June 5, 2025:

Amy Elizabeth Barnes
886 Wanda Circle, SW
Marietta, Georgia 30008

K. Edward Safir
Suite 1600
285 Peachtree Center Avenue, NE
Atlanta, Georgia 30303

Office of the United States Trustee
362 Richard Russell Building
75 Ted Turner Drive, SW
Atlanta, Georgia 30303

GODWIN LAW GROUP

s/ Jason B. Godwin
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